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Commencement and completion.

SEC. 7. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date thereof.

Approved, June 29, 1888.

June 29, 1888.

CHAP. 500.—An act authorizing the construction of a railroad bridge across the Red River of the North by the North Dakota and Pacific Railway Company.

North Dakota and Pacific Railroad Company may bridge Red River of the North, Minn. and Dak

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the assent of Congress is hereby given to the North Dakota and Pacific Railroad Company, a corporation existing under the laws of the State of Minnesota, and to its successors and assigns, to construct and maintain a bridge, and approaches thereto, across the Red River of the North, between the State of Minnesota and the Territory of Dakota, at such point on said river on the boundary-line between Norman or Polk County in the State of Minnesota, and Traill or Cass County in the Territory of Dakota, as may accommodate the lines of railroad which said corporation may build to said point. Said bridge shall be constructed to provide for the passage of railway trains, and, at the option of the said corporation, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot-passengers for reasonable rates or tolls to be fixed by said company; and the Secretary of War shall have the right, from time to time, to revise, prescribe, and determine such rates or tolls.

Post, p. 298.

Railway, wagon, and foot bridge.

Draw.

SEC. 2. That any bridge built under this act shall be constructed as a pivot draw-bridge, with a draw over the main channel at an accessible and the best navigable point, and with spans giving a clear water-way, measured at the lowest stage of water known at the locality, of not less than eighty feet in the clear on each side of the central or pivot pier of the draw; and the bottom chord of the bridge shall not be of less elevation than one foot above the plane of the highest flood known at the locality, and provision shall also be made in the location and construction of abutments and approaches to allow the free passage of flood water; and the piers of said bridge shall be parallel to and the bridge itself at right angles to the current of said river: *Provided*, That said draw shall be opened promptly upon reasonable signal for the passage of boats and other water-craft, except when trains are passing over said draw; but in no case shall unnecessary delay occur in opening the said draw during or after the passage of trains; and said corporation shall maintain, at its own expense, from sunset to sunrise, such lights and other signals on said bridge as the Light-House Board shall prescribe; and said corporation shall provide, at its own expense, such sheer-booms, guide-piers, and other device as may be necessary to facilitate the safe passage of boats or other water-craft through the spans of said bridge. The said bridge shall be located and built under and subject to such regulations for the security of the navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company shall submit to the Secretary of War, for his examination and approval, a design and drawing of said bridge and a map of the location, giving, for the space of one mile below and one mile above the proposed location, the topography of the banks of the river, the shore-lines at high and low water, the direction and strength of the current at all stages, and the soundings, accurately showing the bed and channel of the stream, and shall furnish such other information as shall be required for a full and satisfactory understanding of the subject; and until the said location and plan of the bridge hereby authorized to be constructed are approved by the Secretary of War, the said bridge shall not be built; and should any change be made in the plan of such bridge during the progress

Proviso.

Opening draw.

Lights, etc.

Secretary of War to approve plans, etc.

of construction thereof, such change shall be subject to the approval of the Secretary of War; and in case of any litigation arising from the obstruction or alleged obstruction caused by said bridge to the free navigation of said river, the cause may be tried before the circuit court of the United States in whose jurisdiction any portion of said bridge is located. Litigation.

SEC. 3. That all railroad companies desiring the use of the bridge constructed under this act shall have, and be entitled to equal rights and privileges, relative to the passage of railway trains, cars, and locomotives over the same and over the approaches thereto, upon the payment of a reasonable compensation for such use; and in case the owner or owners of the said bridge and the several railroad companies, or any of them, desiring such use shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridge, all such matters of difference between them shall be decided by the Secretary of War upon a hearing of the allegations and proof of the parties. Other companies may use. Secretary of War to decide rates.

SEC. 4. That the bridge authorized to be constructed under this act shall be a lawful structure, and shall be recognized and known as a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, troops, and the munitions of war of the United States, or for through railway passengers or freight passing over said bridge, than the rate per mile for their transmission over the railroads leading to said bridge; and equal privileges in the use of said bridge shall be granted to all telegraph companies; and the United States shall have the right of way across said bridge and its approaches, for postal telegraph purposes. Lawful structure and post-route. Postal telegraph.

SEC 5. That the right to alter, amend, or repeal this act, so as to prevent or remove all material and substantial obstructions to the navigation of said river by the construction of the said bridge, is hereby expressly reserved; and any alterations or changes that may be required by the Secretary of War in the bridge constructed under this act, or its entire removal when completed shall be made by the corporation owning or controlling the same at its own expense; and if said bridge shall not be commenced in one year and be finished within three years from the passage of this act, the rights and privileges hereby granted shall be null and void. Amendment, etc. Commencement and completion.

Approved, June 29, 1888.

CHAP. 501.—An act to authorize the construction of a graveled or macadamized road from the city of New Berne, North Carolina, to the national cemetery near said city. June 29, 1888.

Whereas, there is now no public road leading to the national cemetery, near the city of New Berne, North Carolina, but access to said cemetery can be had only over a private road belonging to and kept open at the discretion of the adjacent land owners; and Preamble.

Whereas the said land proprietors are willing to donate to the United States the right of way over their said lands from the said city of New Berne to the said national cemetery: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to construct a good and durable graveled or macadamized road from the city of New Berne, in the State of North Carolina, to the national cemetery, near said city, over such road, and along such route as he may deem proper. And for the purpose of carrying into effect the foregoing provisions of this act, the sum of twenty thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated; said New Berne, N. C. Road from, to national cemetery. Appropriation.